BEFORE CHHATTISGARH HIGH COURT, BILASPUR.

Writ Petition :- 6 /2001

PETITION UNDER ARTICLE 227 OF THE CONSTITUTION FOR GRANT ON AN APPROPRIATE WRIT.

Smt.Padma Jain W/o Shri Nirmal Chand Jain, resident of G.E.Road, Near Nagpur Naka, Rajnandgaon, Tahsil and District Rajnandgaon (Chhattisgarh)
... ... PETITIONER

VERSUS

1. Gram Panchayat, Bhawarmara, Through Sarpanch Block, Tehsil and District Rajnandgaon (Chhattisgarh) ... ... RESPONDENTS

2. State of Chhatisgarh, Through Secretary, Mining Department, D.K.Secretariat, Raipur, (Chhatisgarh) ... ... RESPONDENTS

Janpad Panchayat, Rajnandgaon through its Chief Executive Officer, Rajnandgaon.

1. PARTICULARS OF THE PETITIONER :

As mentioned in the cause title above.

2. PARTICULARS OF THE RESPONDENTS :

As mentioned in the cause title above.

3. PARTICULARS OF THE ORDER AGAINST WHICH THE PETITION BEING MADE :

The instant petition is directed against the order passed on dt. 29.12.2000 by Addl. Commissioner, Raipur Division, Raipur in revenue case No. 42B-121 year 2000-2001 Smt. Padma Jain V/s. State and another, (Annex. P-1) vacating the stay order (Annx-P2) dated 23.11.2000, with immediate effect.

3.1 SUBJECT MATTER IN BRIEF :

That, on petitioner's application dated 25.12.96 (Annx-P-3), Respondent No.1 Vide (Annx-P4) granted lease

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XI-I.

उच्च न्यायालय, Chhattisgarh, Bilaspur

आदेश पत्रक

W.P. No. 6/2001

मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	5/2/2001 Heard Mr. P.K.C. Tiwari, learned counsel for the petitioner and Shri N.K. Shukla, learned Dy.A.G. for respondents/State. After hearing learned counsel for the parties at some length, I am of the opinion that the matter should be decided finally by the Additional Commissioner, Raipur, without further delay. Though the matter has been pending since 8/1/2001, no progress has been made till now. On perusal of the relevant documents placed on record, it appears to be that ultimately the matter should be settled by the Additional Commissioner, Raipur, before whom the petitioner had already approached by filing the petition. This petition has been filed before this Court impugning order dated 29/12/2000 by which the order of stay ~~stay~~ dated 23/11/2000 passed by the Additional Commissioner Raipur, came to be vacated. In order to avoid any further delay and confusion in the matter, I direct the Additional Commissioner, Raipur, to hear the parties and pass final orders on 12/2/2001. I shall make it clear that if the petitioner succeeds in appeal, it is for the Additional Commissioner to take into consideration the period during which the pet tioner claims to have suffered because of	

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उच्च न्यायालय, Chhattisgarh, Bilaspur

आदेश पत्रक

मामला क्रमांक Cf 6/2001 सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

litigation in the Court and also because of the order of vacation before the Commissioner. Parties shall appear before the Additional Commissioner on 12/2/2001 as stated above.

Learned counsel for the petitioner submits that at this stage it will be fair for this Court to say thatthe impugned order issued on 29/12/2000 should be kept in abeyance. It means xxx that the impugned order would be of no consequence with effect from 29/12/2000 till the matter is finally disposed of. In view of the fact that the Additional ~~xxxxx~~ Commissioner, Raipur shall take into consideration the period during which the impugned order came into operation, I do not think it necessary to keep the impugned order in abeyence.

With these observations, this petition is disposed of.

Sd/-
Chief Justice

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